

3-04069TED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

No.	CV 23-01533-MCS (AS)	Date	October 25, 2023
Title	<i>Hector Adolfo Acevedo Alzate v. Francisco J. Quintana</i>		

Present: The Honorable	Alka Sagar, United States Magistrate Judge
Alma Felix	Not reported
Deputy Clerk	Court Reporter / Recorder
Attorney Present for Petitioner:	Attorney Present for Respondent:
Not present	Not present

Proceedings (In Chambers):

**ORDER TO SHOW CAUSE RE FAILURE TO
PROVIDE ADDRESS UPDATE AND FILING
RESPONSE TO MOTION TO DISMISS**

On September 15, 2023, Respondent filed a Motion to Dismiss Petitioner’s Habeas Petition. (Dkt. No. 5). On September 18, 2023, the Court directed Petitioner to file an Opposition to the Motion to Dismiss or a statement of non-opposition to the Motion to Dismiss by October 18, 2023, (Dkt. No. 7), but this Order was returned to the Court as undeliverable on September 29, 2023. (Dkt. No. 8). The Court ordered Petitioner to provide the Court with his current address on October 10, 2023, but this Order was also returned to the Court as undeliverable on October 23, 2023. (Dkt. Nos. 9, 10). To date, Petitioner has failed to: (1) provide the Court with an address update, and (2) file an opposition or statement of non-opposition to Respondent’s Motion to Dismiss.

Accordingly, Petitioner is **ORDERED TO SHOW CAUSE, in writing, within 21 days of this order – no later than November 15, 2023** – why this action should not be dismissed with prejudice for failure to prosecute.

If Petitioner no longer wishes to pursue this action, he may request a voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1). A notice of dismissal form is attached for Petitioner’s convenience. Petitioner is warned that a failure to timely respond to this Order will result in a recommendation that this action be dismissed with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.

IT IS SO ORDERED.

cc: Mark C. Scarsi
United States District Judge